

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF FEBRUARY  
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MS JUSTICE G.ROHINI**

**WRIT PETITION NO : 1318 of 2005**

Between:

- 1 Hanumandla Janardhan, S/o.Yerranna, R/o.Kondapur Village, Medipally Mandal, Karimnagar District.
- 2 Chand Miya, S/o.Ahmed Pasha, R/o.Rampur village, Mallial Mandal, Karimnagar District.
- 3 Golusula Kishtaiah, S/o.Narasimha, R/o.Kondapur village, Medipally Mandal, Karimnagar District.

**..... PETITIONERS**

AND

- 1 The Sub Divisional Forest officer, Jagital, Karimnagar District.
- 2 The Forest Range officer, Jagtial, Karimnagar District.
- 3 The Divisional Forest officer, Karimnagar (West), Karimnagar District.
- 4 The Conservator of Forests, Andhra Pradesh, Hyderabad.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of Mandamus; i) declaring the action of the Respondent authorities in seizing petitioners' vehicles bearing i) tractor and trailer No.AP-15 U 5681/5682, ii) tractor and trailer bearing No.AP-15 N 8684 & AP-37 M 5020 & iii) tractor fitted with compressor bearing No.AP-15 9053, vide Rc.No.13/2005, dated 18-1-2005 as arbitrary, illegal, violative of Article 14, 21 & 300A of Constitution of India and consequently direct the Respondent authorities to release the vehicles; and be pleased to pass such other order or orders.

**Counsel for the Petitioners: MR.M. Rajender Reddy**

**Counsel for the Respondents: GP FOR FORESTS**

**The Court at the stage of admission made the following ORDER:**

This writ petition is filed seeking a declaration that the action of the respondent authorities in seizing the vehicles in question, as arbitrary and illegal and to direct the respondents to release the same.

As can be seen from the material on record, the vehicles in question were seized on the ground of alleged forest offence and the show cause notices have already been issued on 18-01-2005 calling upon the petitioners to explain as to why the vehicles in question should not be confiscated.

Learned counsel for the petitioners contends that the allegation that the said vehicles were used for commission of forest offence is false and without any basis. He submits that what was being transported in the vehicles was 'metal' which is not a forest produce and which is abundantly available at every place and therefore the impugned seizure is arbitrary and illegal. He contends that absolutely no case is made out to show that the petitioners indulged in illegal transportation of any forest produce and therefore, it is a fit case to direct the respondents for release of the vehicles, pending confiscation proceedings.

Having heard the learned counsel for the petitioners and learned Government Pleader for Forests, I am of the opinion that it is for the 1<sup>st</sup> respondent, before whom the confiscation proceedings are pending to consider the request of the petitioners for interim custody of the vehicles in question and the petitioners ought to have filed an appropriate application before the 1<sup>st</sup> respondent. Accordingly, without expressing any opinion on merits, the writ petition is disposed of granting liberty to the petitioners to make appropriate applications before the first respondent seeking release of the vehicles in question, in which event, the same shall be considered and appropriate orders be passed by the 1<sup>st</sup> respondent in accordance with law, within a period one week from the date of receipt of such application from the petitioners. No order as to costs.

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02-02-2005

Note: Issue C.C. in two days

(B/o)

kdl

To

- 1 The Sub Divisional Forest officer, Jagtial, Karimnagar District.
- 2 The Forest Range officer, Jagtial, Karimnagar District.
- 3 The Divisional Forest officer, Karimnagar (West), Karimnagar District.
- 4 The Conservator of Forests, Andhra Pradesh, Hyderabad.
- 5 Two C.Cs. to the G.P. for Forests, High Court of A.P., Hyderabad, (OUT).
- 6 Two C.D. Copies.